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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,176	10/28/2003	Robert Silva	IGT1P471/P000759-001	4294

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EXAMINER	
JONES, MARCUS D	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
06/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

Office Action Summary	Application No.	Applicant(s)	
	10/695,176	SILVA ET AL.	
	Examiner	Art Unit	
	Marcus D. Jones	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *64-114* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *64-114* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *18 May 2009 and 3 March 2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 18 May 2009 in response to the previous Non-Final Office Action (18 February 2009) is acknowledged and has been entered.

Claims 64-114 are currently pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 64-114 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

3. Claims 64, 84, 103, 113, and 114 recited the newly added claim limitation "wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session;" On page 1 of the Remarks, dated 18 May 2009, the Applicant points to page 2, ln 26 through page 3, ln 7 for support of the limitation. The Examiner would like to point out that this session does not support the claim limitation. For example, this section recites "to cause the display unit to generate a second game display relating to a second game typed if the controller determined a nonzero value

payout associated with an outcome of the first game types." The Examiner submits that this sections shows that the second game outcome is dependent on the first game outcome. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 64-78, 82-97, 101-109, 113 and 114 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al. (US PGPub 2002/0183105).

In reference to claims 64, 71, 72, 73, 74, 84, 90, 91, 92, 93, 103, 104, 108, 113, and 114, Cannon discloses a gaming device in a casino gaming network, comprising; a controller including at least one processor; memory; a first display; at least one interface for communicating with at least one other device in the gaming network (pg 5, par 46-47); the gaming device being operable to: control a wager-based game played on the gaming device; display a first game selection menu including a first portion of content representing at least one first game play opportunity for selectively playing a first wager-based game at the gaming device (pg 6, par 51 and pg 15, par 129, *player is giving the opportunity to select a game from the presented plurality of games of chances*); receive

first input from a first player relating to selection of a first game to be played at the gaming device (game selection buttons 77); accept, at the gaming device, a first wager by the first player, said first wager being associated with play of the first game at the gaming device (wager button 79); initiate a start of a first active gaming session associated with the first game to thereby enable the first player to engage in game play of the first game at the gaming device; detect an occurrence of a first game lockup event relating to the first active gaming session (pg 15, par 129, *once a specific outcome is achieved, the game is locked up and is unavailable for play*); enable, in response to detecting the first game lockup event, a first lockup mode at the gaming device (*first game is frozen*), wherein the first lockup mode is associated with the first active gaming session (*first game is frozen*); disable, while the first lockup mode is enabled, player wagering capability at the gaming device for receiving wagers relating to the first active gaming session (*first game is unavailable for play*); provide, during at least a portion of time while the first lockup mode is enabled (pg 15, par 129-130, *one the first game is locked up, player is given the chance to play any of the remaining games. In the case of par 130, player can now plan any of the 3 remaining games*); receive, while the first lockup mode is enabled, second input from a first player relating to selection of a second game to be played at the gaming device (pg 15, par 130); determine an identity of the second game using the second input from the first player (pg 15, par 130); accept, at the gaming device and while the first lockup mode is enabled, a second wager by the first player, said second wager being associated with play of the second game at the gaming device (pg 8, par 69 and pg 12, par 103)initiate,

while the first lockup mode is enabled, a start of a second active gaming session associated with the identified second game to thereby enable the first player to engaging game play of the second game at the gaming device, wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session (pg 15, par 130); and enable player wagers relating to the second active gaming session to be accept at the game device during at least a portion of time while the first lockup mode is enabled (pg 12, par 103 and pg 15, par 130).

In reference to claims 65 and 85, Cannon discloses display, during at least a portion of time while the first lockup mode is enabled, a second game selection menu including a second portion of content relating to the at least one second game play opportunity for allowing the first player to selectively play the second wager-based game at the gaming device concurrently while the first lockup mode is enabled (pg 15, par 130).

In reference to claims 66 and 86, Cannon discloses wherein the second portion of content does not include a game play opportunity for allowing the first player to selectively play the first game at the gaming device (pg 15, par 129-103, *the first game is locked up and frozen*)

In reference to claims 67, 68, 87, 88, 105, and 106, Cannon discloses further operable to: prevent an identity of the second game from being determined until after the second input has been received (pg 15, par 130, *the outcomes of the second game is determined after player inputs*)

In reference to claims 69, 89, and 107, Cannon discloses being further operable to: determine the identity of the second game after initiation of the first active gaming session and in response to receiving the second input from the first player; and prevent acceptance of wagers on the second game before the identity of the second has been determined (pg 12, par 103 and pg 15, par 130, *the player wagers enough credit to play multiple games at the beginning or wager individually on each game to establish enough credit for playing and initiating said game*)

In reference to claim 70, Cannon discloses an input mechanism for receiving case or an indicia of credit (pg 12, par 103).

In reference to claims 75, 76, 94, and 95, Cannon discloses wherein the gaming device is further operable to detect and occurrence of a first game reset event relating to the first active gaming session; disable, in response to detecting the first game reset event, the first lockup mode at the gaming device and enable, in response to the first lockup mode being disabled at the gaming device, wagering relating to the first active gaming session to be accepted at the gaming device (pg 3, par 24 and claims 62-63).

In reference to claims 77 and 96, Cannon discloses wherein the first game lockup event relates to detection of a first value payout associated with the first active gaming session being at least a predetermined amount (pg 1, par 9 and pg 15, par 129-130, *For example, gaming outcome 21 is a winning outcome. The locks the first game, enables second game*)

In reference to claims 78, 97, and 109, Cannon discloses wherein the first game lockup event relates to detection of a hand payout event relating to the first active

gaming session, the hand payout event necessitating manual or hand payout of a first payout amount to the first playing in connection with the first active gaming session (pg 3, par 24 and pg 8, par 70, *the game lockup event is a winning outcome that could be manually paid by the casino operator*)

In reference to claims 82 and 101, Cannon discloses wherein the first game selection menu includes content representing at least one first game play opportunity for selectively playing a first game type selected from a first group consisting of: poker, blackjack, slots, keno, craps, roulette and bingo; wherein the first game is associated with a first game type wherein the second game selection menu includes content representing at least one second game play opportunity for selectively playing, during at least a portion of time while the first lockup mode is enabled, a second game type which is different from the first game type (pg 15, par 130).

In reference to claims 83 and 102, Cannon discloses wherein the first game is associated with a first game type; and wherein the second game corresponds to a different version of the first game types (pg 15, par 130).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 79-81, 98-100, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon.

In reference to claims 79, 80, 81, 98, 99, 100, 110, 111, and 112, Cannon discloses the invention substantially as claimed except for the different kinds of payout outcomes (i.e. taxable payout event, jackpot payout event and WAP payout event) as the lock up event. However, as shown above, Cannon teaches that the lockup event is a specified game configuration such as a winning outcome. Taxable payout event jackpot payout event and WAP payout event are all different types of winning outcome payout events. For a designer to choose to configure the lockup event to be that of a taxable payout event, jackpot payout event or WAP payout event is strictly dependent on the designer's choice. Thusly, the Examiner views these limitations as an obvious matter of choice well within the skill set of an ordinary artisan.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not persuasive.

7. With respect to claims 64, 84, 103, 113 and 114, the Applicant submits that Cannon fails to describe the feature of "wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session."

8. The Examiner respectfully disagrees.

9. Firstly, as previously discussed above in the discussion of the 112 rejection, on page 1 of the Remarks, dated 18 May 2009, the Applicant points to page 2, ln 26 through page 3, ln 7 for support of the limitation. The Examiner would like to point out that this session does not support the claim limitation. For example, this section recites "to cause the display unit to generate a second game display relating to a second game typed if the controller determined a nonzero value payout associated with an outcome of the first game types." The Examiner submits that this sections shows that the second game outcome is dependent on the first game outcome, not that they are independent of one another.

10. Secondly, this passage clearly states two separate aspects of the associated with the gaming result. First the game outcome itself and secondly the value payout associated with the game outcome. For example, Cannon discloses on page 15, par 130, that a player may achieve the specific outcome of "three of a kind on the reel slot machine game, the game will lock up and further receive a "21" in blackjack on a second game." Neither the "three of a kind" or "blackjack" outcomes are dependent on one another. As such, the first and second game outcomes are independent of one another. As claimed, Cannon teaches the newly added limitation.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714